

48A C.J.S. Judges § 99

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

IV. Standards of Conduct; Restrictions and Prohibitions


B. Nature of Conduct Proscribed or Prohibited

2. Political Activity

§ 99. Judge's candidacy for political office

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(1), 11(2), 21

The holding of judicial office does not disqualify a person from becoming a candidate for an elective public office; rather, the judge should resign, or there should be a forfeiture of, the judicial office.

The holding of judicial office does not disqualify a person from becoming a candidate for an elective public office.¹ Rather, the judge should resign, or there should be a forfeiture of, the judicial office.² A judge violates a canon prohibiting making speeches for a candidate or engaging in other political activity by declaring his or her candidacy for political office before resigning despite the claim that the activities constitute "testing the waters."³

CUMULATIVE SUPPLEMENT

Cases:

Attorney's direct solicitation of funds for her judicial campaign violated bar rule requiring candidates for judicial office to comply with applicable provisions of code of judicial conduct. West's F.S.A. Code of Jud.Conduct, Canon 7C(1); [West's F.S.A. Bar Rule 4–8.2\(b\)](#). [The Florida Bar v. Williams-Yulee](#), 138 So. 3d 379 (Fla. 2014).

[END OF SUPPLEMENT]

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Footnotes

- 1 N.J.—[Clark v. DeFino](#), 80 N.J. 539, 404 A.2d 621 (1979).
- 2 N.J.—[Clark v. DeFino](#), 80 N.J. 539, 404 A.2d 621 (1979).

Ohio—[Mahoning County Bar Ass'n v. Franko](#), 168 Ohio St. 17, 5 Ohio Op. 2d 282, 151 N.E.2d 17 (1958).

Resign-to-run provision
Assistant judge violated resign-to-run provision of code of judicial conduct by becoming a candidate for probate judge without first resigning his assistant judge position; provision unambiguously required judge to resign from judicial office upon becoming a candidate for any elective office, not any nonjudicial elective office, and provision did not lead to absurd results since public was entitled to require that assistant and probate judges devote their entire attention to office to which they were elected.

Vt.—[In re Hodgdon](#), 189 Vt. 265, 2011 VT 19, 19 A.3d 598 (2011).
- 3 **Candidacy for governorship**
Del.—[Matter of Buckson](#), 610 A.2d 203 (Del. Jud. Ct. 1992).